

MESSAGE NO: 8266114 MESSAGE DATE: 09/23/1998

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: SCO-Scope PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-122-804, C-122-805

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 06/19/1998 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING/COUNTERVAILING SCOPE RULING ON NEW STEEL RAIL EXCEPT
LIGHT RAIL, FROM CANADA (A-122-804 C-122-805)

MESSAGE NO: 8266114

DATE: 09 23 1998

CATEGORY: ADA

TYPE: SCO

REFERENCE:

REFERENCE DATE:

CASES: A - 122 - 804

C - 122 - 805

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PERIOD COVERED: 06 19 1998 TO

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: ANTIDUMPING/COUNTERVAILING SCOPE RULING ON NEW STEEL RAIL
EXCEPT LIGHT RAIL, FROM CANADA (A-122-804 C-122-805)

1. ON JUNE 19, 1998, IN RESPONSE TO A REQUEST BY GERDAU MRM STEEL, INC., (GERDAU), A CANADIAN STEEL RAIL MANUFACTURER, THE DEPARTMENT OF COMMERCE ISSUED A FINAL SCOPE RULING THAT RAIL MADE TO NOMINAL 60 ASCE/ASTM A1-92 SPECIFICATIONS IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING/COUNTERVAILING DUTY ORDERS COVERING NEW STEEL RAIL, EXCEPT LIGHT RAIL, FROM CANADA, CASE NUMBERS: A-122-804/C-122-805

2. THE COMMERCE DEPARTMENT DETERMINED THAT BASED UPON THE
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EVIDENCE IN THE RECORD, NOMINAL 60 ASCE/ASTM A1-92 RAIL, MANUFACTURED BY GERDAU, IS OUTSIDE THE CLASS OR KIND OF MERCHANDISE COVERED BY THE SCOPE OF THE AD/CVD ORDERS ON CANADIAN RAIL. THEREFORE, NOMINAL 60 ASCE/ASTM A1-92 RAIL IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING/COUNTERVAILING DUTY ORDERS COVERING NEW STEEL RAIL, EXCEPT LIGHT RAIL, FROM CANADA, CASE NUMBERS: A-122-804/C-122-805.

3. EFFECTIVE JUNE 19, 1998, TERMINATE SUSPENSION AND LIQUIDATE ALL ENTRIES, REGARDLESS OF ENTRY DATE, OF NOMINAL 60 ASCE/ASTM A1-92 RAIL, MANUFACTURED BY GERDAU.
4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE NOMINAL 60 ASCE/ASTM A1-92 RAIL, MANUFACTURED BY GERDAU.
5. THE ASSESSMENT OF ANTIDUMPING/COUNTERVAILING DUTIES BY THE CUSTOMS SERVICE ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDER PAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING/COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING/COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING/COUNTERVAILING DUTY ORDERS. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING/COUNTERVAILING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.
6. CONTINUE TO SUSPEND LIQUIDATION OF ENTRIES OF NEW STEEL RAIL SUBJECT TO THE ANTIDUMPING/COUNTERVAILING DUTY ORDERS COVERING NEW STEEL RAIL, EXCEPT LIGHT RAIL, FROM CANADA, CASE NUMBERS: A-122-804/C-122-805.
7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE
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SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT ZEV PRIMOR AT 202-482-4114, AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE.

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party